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DATE MAILED: 10/13/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,833	06/15/2001	Takeshi Kameta	Q64955	6595
7590 10/13/2004			EXAMINER	
SUGHRUE MION ZINN			MILLER, CARL STUART	
MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			ART UNIT	PAPER NUMBER
		3747		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	09/880,833	KAMETA ET AL.	:: <u>T</u> .			
Office Action Summary	Examiner	Art Unit				
	Carl S. Miller	3747				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet v	vith the correspondence ad	dress			
A SHORTENED STATUTORY PERIOD FOR RETHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory purents of the period for reply within the set or extended period for reply will, by some and the period for reply will, by some and the period for reply will, by some and the period for reply will. - Failure to reply within the set or extended period for reply will, by some and the period for reply will.	ON. R 1.136(a). In no event, however, may a n. a reply within the statutory minimum of the eriod will apply and will expire SIX (6) MC tatute, cause the application to become A	n reply be timely filed wirty (30) days will be considered timely INTHS from the mailing date of this co ABANDONED (35 U.S.C. § 133).	y. ommunication.			
Status						
1) Responsive to communication(s) filed on 3	10 May <u>2004</u> .					
	This action is non-final.					
···	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) 1-19 is/are pending in the application 4a) Of the above claim(s) 10-11 and 13 is/s 5) ⊠ Claim(s) 14 and 15 is/are allowed. 6) ⊠ Claim(s) 1.2,12,16 and 17 is/are rejected. 7) ⊠ Claim(s) 3-9, 18 and 19 is/are objected to 8) □ Claim(s) are subject to restriction a	are withdrawn from considera	ation.				
Application Papers						
9)☐ The specification is objected to by the Exa	miner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119	o Examinor. Note the attack.	54 C 11100 / 1641011 G. 161111				
•	oian priority under 35 II S C	£ 110(a) (d) or (f)				
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docur 2. Certified copies of the priority docur 3. Copies of the certified copies of the application from the International But * See the attached detailed Office action for a	nents have been received. nents have been received in priority documents have bee ureau (PCT Rule 17.2(a)).	Application No n received in this National	Stage			
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview	Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948	Paper No	o(s)/Mail Date	2 152)			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SI Paper No(s)/Mail Date 1/27 / 07	B/08) 5) Notice of 6) Other:	Informal Patent Application (PTC	J-1J2)			

Application/Control Number: 10/880,833

Art Unit: 3747

Claims 10-11 and 13 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5. The restriction requirement is hereby made final.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 –2, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Suzuki teaches a card battle game wherein the battles occur in stages and each character card increases its power by virtue of winning battles at lower stages. While Suzuki does not increase the number of cards available at later battles, it would have been obvious to increase the battle power of the character by choosing an additional card to signify a higher strength for the character, instead of storing the new power on the original card, because in both cases the effect is to increase the card's power in the next battle sequence.

Claim 3-9, 18 and 19 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 and 15 are allowed.

Art Unit: 3747

Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive.

In particular, applicant mentions <u>many</u> possible reasons why the use of additional cards would be patentably distinct from the enhancement system of Suzuki, but actually identifies only <u>one</u> reason. Applicant notes that the use of the additional cards <u>could be</u> withheld so these cards (or powers) could be used in other battles. The claims, however, do not say anything about the additional cards being available for other battles or even that these additional cards exist. Thus, it may be assumed that the additional cards are created for use by the players in a battle with includes the character who won the earlier battle. This would be the same as listing the attributes of the character on the same card.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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